

United States Department of the Interior  
Bureau of Land Management  
Environmental Assessment # DOI-BLM-CA-D070-2012-0041-EA  
Case File # 52770

**Finding of No Significant Impact**  
**Buttercup Ranger Station Communication Line**  
**Imperial County, California**

U.S. Department of the Interior  
Bureau of Land Management  
El Centro Field Office  
1661 South 4<sup>th</sup> Street  
El Centro, CA 92243

October 2012



Finding of No Significant Impact  
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**Proposed Action Title/Type:**

Existing telecommunication lines to the Buttercup Ranger Station in Imperial Sand Dunes are currently at capacity and can no longer support requirements for telephone and internet services, which are necessary for the BLM in order to provide emergency and law enforcement response from the ranger station. The purpose of the proposed action is to upgrade the current telecommunication service to the Buttercup Ranger Station, including telephone and internet service, at the necessary capacity for the protection and safety of the visiting public. This project would provide the infrastructure to satisfy the needs of the BLM as well as accommodate future communication requirements or technologies.

**Location of Proposed Action:**

This project is proposed to be south of the southerly right-of-way of I8 and is further described as:

San Bernardino Meridian,  
T. 16 S., R. 20 E.,  
sec. 22, lot 3 and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
sec. 44, S $\frac{1}{2}$ , unsurveyed;  
sec. 50, E $\frac{1}{2}$ NE $\frac{1}{4}$ , unsurveyed, SW $\frac{1}{4}$ NE $\frac{1}{4}$  unsurveyed, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
unsurveyed, E $\frac{1}{2}$ SW $\frac{1}{4}$ , unsurveyed, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , unsurveyed, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
unsurveyed.

The area described aggregate 5.09 acres.

**Introduction**

BLM proposes to have an underground copper telecommunication line constructed in the footprint of the existing disturbance area. The proposed telecommunication line ROW initiates approximately 0.41 mile east of Ogilby Road, then runs westerly, parallel to the south side of eastbound Interstate-8, for approximately 4.2 miles terminating at the existing BLM Buttercup Ranger Station facility. This telecommunication line will be utilized to provide additional and upgraded communication service to the BLM including telephone and internet service. The existing line in this area is at capacity. The additional telecommunication services required by BLM for emergency and law enforcement response at the Buttercup Ranger Station cannot be provided without this upgrade.

## **Plan Conformance and Consistency**

This proposed action is subject to the California Desert Conservation Area Plan (CDCA) of 1980, and the Imperial Sand Dunes Recreation Activity Management Plan (RAMP) of 1987. These plans have been reviewed to determine if the proposed action conforms to the terms and conditions as required by 43 CFR 1610.5.

The proposed action is consistent with CDCA Plan elements. The involved lands are designated as Class M (South Ogilby Dunes) and Class I (Buttercup/Gray's Well), and all but 1 ½ ± mile of the proposed route is within designated Energy Production and Utility Corridor L. The Energy Production and Utility Corridors Element of the CDCA Plan (Chapter 3) identifies utility corridors for coaxial cables for interstate communications. The proposed communication line is only an extension of a local communication line, so it is not required to be located within a corridor. Therefore, the proposed action would be consistent with the CDCA Plan and would not require a Plan Amendment or change in land use designation. The proposed action is also consistent with the Imperial Sand Dunes RAMP which calls for facility development of the south dunes area, including the installation of a public telephone.

Winterhaven Telephone Company dba TDS Telecom has secured construction approvals and/or permits from Bureau of Reclamation, Imperial County Air Pollution Control Board, and Imperial Irrigation District for this project.

## **Finding Of No Significant Impact**

The El Centro Field Office interdisciplinary review and analysis determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

Based on the findings discussed herein, I conclude that the proposed action is not a major Federal action and will result in no significant impacts to the environment, individually or cumulatively with other actions in the general area. The findings discussed in this document are based on the Environmental Assessment (EA) completed for this project. The EA describes the purpose and need for this project, the proposed action and no action alternative, the affected environment, the environmental impacts, and consultation and coordination. The findings in this finding of no significant impact (FONSI) are based on that analysis, and this FONSI incorporates the EA by reference. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in applicable land use plans. Therefore, preparation of an environmental impact statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met. "Significantly" as used in NEPA requires considerations of both context and intensity.

In making this FONSI, the following criteria have been considered, in accordance with the Council on Environmental Quality (CEQ), 40 C.F.R. 1508.27.

**Context:**

NEPA requires the consideration of the significance of an action in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short-and long-term effects are relevant per 40 CFR 1508.27(a). For purposes of analyzing the Selected Alternative, the appropriate context of potential impacts associated with the Selected Alternative is the local and regional scales, because the Selected Alternative does not affect statewide or national resource values.

Environmental impacts associated with the proposed action and alternatives have been assessed by an interdisciplinary team and described in EA # DOI-BLM-CA-D070-2012-0041-EA. The context of the EA analysis was determined to be at a local and regional scale in Imperial County, California. The effects of the action are not applicable on a national scale since no nationally significant values were involved.

**Intensity:**

*1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.*

While consideration of the intensity of project impacts must include analysis of both beneficial and adverse effects, only a significant adverse effect triggers the need to prepare an EIS (40 CFR 1508.27(b)(1) and BLM NEPA Handbook at page 71). The potential beneficial effects and adverse impacts of the Selected Alternative are discussed briefly in the following sections.

*Beneficial Effects:* As described in the EA, project would provide the additional telecommunication capacity for the BLM EMS and Law Enforcement ultimately increasing emergency response and improving public health and safety

*Adverse Effects:* The construction and operation of the proposed 50 pair cable line, temporary construction areas and access road within BLM lands would impact resources as described in detail in the EA. The impacts of the project with proposed mitigation will either be the same or less than the impacts of the Proposed Action as described in detail in the EA. These potential impacts include a short term increase in traffic, temporary dust and particulate matter emissions. To the extent adverse effects were identified, the EA identifies/imposes mitigation measures that minimize those effects to less than significant levels under NEPA.

*2) The degree to which the selected alternative will affect public health or safety.*

The EA disclosed the effect on public health and safety and through this analysis, it has been determined that there are no significant impacts under the project with proposed mitigation related to the public health and safety. In fact there will be an increase in the health and safety of the visiting public once the proposed project with mitigation is constructed and in place. Buttercup Ranger Station is one of two command posts and serves as the main facility for all southern ISDRA activities. The BLM staff responds to between 400-750 emergency medical responses and thousands of law enforcement incidents per year. A phone line and remote computer access would increase the ability to retrieve and report emergency information via telephone calls and facsimile. Phone and facsimile lines are also needed to communicate “Personally Identifiable Information” which cannot be broadcast over radio frequencies and must be protected

*3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.*

According to the BLM NEPA Handbook (January 2008, Section 7.3), “unique characteristics” are generally limited to those previously identified through a legislative, regulatory, or planning process.

The proposed telephone line of the project with proposed mitigation measures are within BLM lands and are located entirely within the Algodones Dunes, also known as Imperial Sand Dunes Recreation Area (ISDRA). As discussed in the EA, the project’s potential impacts to biological resources conform to the CDCA Plan and the intent regarding sensitive resources and cultural resources. All but 1 ½ ± mile of the proposed telephone line is within Utility Corridor “L”. Utility Corridor “L” was created in accordance to the Federal Land Management Policy Act of 1976 as amended, thereby avoiding siting transmission lines in other more sensitive areas on BLM land.

A record search and literature review was conducted and the following survey reports and previously recorded archaeological sites were identified within ½ mile of the area of potential effect (APE). There were six previous reports and 13 previously recorded sites identified in the record search. The survey identified that the site IMP-4764H (BC-S-1) is the only site that could be affected by the undertaking depending on exactly where the line is buried, however, since the site lacks integrity the banding could be moved if they are in the way of the excavating equipment and then replaced post construction. The project with mitigation measures would avoid the direct impact to previously recorded cultural resource. Moreover, the mitigation measures provided in the EA would further reduce impacts to cultural resources under the project with mitigation measures.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, “controversy” is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). “The term ‘highly controversial’ refers to instances in which ‘a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.’” *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998). No comment letters were received and the BLM did not identify any expert scientific evidence supporting claims that the project will have significant effects.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

Because there is always some uncertainty and risk regarding the effects of land management actions, the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly uncertain and risks are unique or unknown (BLM NEPA Handbook, Section 7.3). The BLM has previously authorized communication lines in this area and was able to use information gathered from those prior projects to estimate the potential impacts of the project with proposed mitigation measures. As a result, the BLM can properly exercise its judgment and determine that it is unlikely that this project will have unique or unknown risks. The construction and operation of communication line is not unique or unusual. The effects of the construction and operation of communication line is well understood because the BLM has experience implementing similar actions in similar areas. There are no predicted effects of the project with proposed mitigation measures on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

Decision makers must consider the degree to which the action may establish a precedent for future reasonably foreseeable actions with significant effects or represents a decision in principle about a future reasonably foreseeable condition (BLM NEPA Handbook, Section 7.3). After thorough analysis, the EA properly determined that the project with proposed mitigation measures would result in no significant unmitigated effects. This conclusion is based on the specific facts of this project and does not set precedent for, or automatically applies to future communication lines and ROWs that the BLM is reviewing. This is not the first communication line the BLM has approved. Therefore, the type of land use action the BLM proposes to approve for the project with proposed mitigation does not establish precedents for future actions or represent a decision in principle about a future action. Any future communication lines or other ROW decisions would require site-specific NEPA analysis.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.*

Authorization of new ROW grants and ongoing improvements that serve public utility systems has been analyzed in the BLM CDCA Plan and subsequent plan amendments. These analyses have resulted in the designation of utility corridors and communication sites, mechanisms for consideration of new facilities as the need arises, and subsequent programmatic agreements for ongoing operations and maintenance activities. No significant site specific or cumulative impacts associated with the BLM action or the non-federal connected action have been identified that could not be avoided through mitigation, or that are inconsistent with those identified and analyzed within the above plans and programs.

*8) The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

This is a sub-factor of the “unique characteristics of the geographic area” factor, and significance arises with the “loss or destruction” of significant scientific, cultural, or historical resources (BLM NEPA Handbook, Section 7.3). The EA fully analyzed and disclosed potential cultural resources impacts of the project with proposed mitigation and determined that the project would not result in any significant unmitigated impacts related to cultural resources. With the implementation of the mitigation measures the project would not have any significant unmitigated impacts on cultural resource sites.

The BLM archaeologists have determined through surveys that there will be no adverse effect on historic properties by this undertaking.

*9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list.*

There are no potential impacts to threatened or endangered plant and wildlife species habitat under the project with proposed mitigation, which are designed to avoid, minimize, and mitigate these impacts.

No project related effects on desert tortoise are anticipated because the Buttercup area is outside desert tortoise habitat. Although highly unlikely because the Buttercup area is not considered to be in the tortoise’s current range of distribution, desert tortoise could be injured if one ventured into the project area unobserved. To further reduce the likelihood of effects to wildlife, a biological monitor will be required to be present during project related construction activities.

Due to the Colorado Desert fringe-toed lizard's speed and behavior, individuals often escape harm. They may however seek shelter in vegetation or dig into the sand on occasion, so if unobserved, an individual could be crushed during construction or when equipment is moved on the site. Although a few project-related lizard mortalities could occur, it would not raise the level of mortality above normal sustainable mortality levels for this population. BLM mitigation measures decrease the likelihood of incidental mortalities.

Therefore, no project related impacts to the species population are anticipated. Flat-tailed horned lizards are uncommon inhabitants of the ISDRA and mitigation measures for monitors and vehicular speed limits will decrease the likelihood of incidental mortalities. No direct impacts are expected to occur for Yuma clapper rail and impacts by disturbance are unlikely since appropriate habitat is not present in the canal near the existing overhead crossing.

*10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.*

The project does not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. According to the BLM NEPA Handbook (Section 7.3), this factor often overlaps with others, such as the "public health" factor. The project will not violate environmental laws as documented in the EA and in this FONSI. Refer to the discussion for Intensity Factors 1 (compliance with water, air, hazardous materials, and other environmental laws), 8 (NHPA Section 106 compliance), and 9 (compliance with endangered species laws), above. Finally, the project's permit with the Imperial Irrigation District comply with all local, state and/or federal laws, rules, regulations, ordinance, and/or standards.

Reviewed by: Shirley Gaddis  
Planning & Environmental Coordinator

10/24/12  
Date

### **Conclusion**

Based on the findings discussed herein, I conclude that the project with proposed mitigation will result in no significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA.

Approved by: M. L. Goodro  
Margaret L. Goodro, Field Manager  
El Centro Field Office

10/24/12  
Date



United States Department of the Interior  
Bureau of Land Management  
Environmental Assessment # DOI-BLM-CA-D070-2012-0041-EA  
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**Decision Record**

**Buttercup Ranger Station Communication Line**

**Imperial County, California**

U.S. Department of the Interior  
Bureau of Land Management  
El Centro Field Office  
1661 South 4<sup>th</sup> Street  
El Centro, CA 92243

October 2012

BLM



Decision Record  
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**Location of Proposed Action:**

This project is proposed to be south of the southerly right-of-way of I8 and is further described as:

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unsurveyed.

The area described aggregate 5.09 acres.

**Introduction and Background**

Winterhaven Telephone Company dba TDS Telecom filed an application in 1991 for a right-of-way (ROW) to install, operate and maintain a telecommunication transmission line across public lands in southeastern Imperial County. The telecommunication transmission line was approved April 16, 1991. The line crosses approximately 54,200 linear feet of public land. The existing ROW width is 10 feet, five feet from either side of the center line. The installation involved trenching construction methods except at canal or road crossings. The majority of the line was buried using a D-6/D-8 tractor pulling a cable placing plow. Trenching, placement of the line and backfill was completed in a one pass operation. There are two aerial crossings over the All American Canal. Road crossings were accomplished using a horizontal direction drill.

BLM proposes to have an underground copper telecommunication line constructed in the footprint of the existing disturbance area. The proposed telecommunication line ROW initiates approximately 0.41 mile east of Ogilby Road, then runs westerly, parallel to the south side of eastbound Interstate-8, for approximately 3.8 miles terminating at the existing BLM Buttercup Ranger Station facility. This telecommunication line will be utilized to provide additional and upgraded communication service to the BLM including telephone and internet service. The existing line in this area is at capacity. The additional telecommunication services required by BLM for emergency and law enforcement response at the Buttercup Ranger Station cannot be provided without this upgrade.

## **Decision**

Under Federal law, the BLM is responsible for making a decision on ROW applications to determine whether and to what extent to authorize proposed projects such as communication lines, renewable energy projects, transmission lines, and other appurtenant facilities on land it manages. Because Winterhaven Telephone Company is a privately initiated venture that would be sited on lands managed by the BLM, Winterhaven applied for a ROW grant from the BLM pursuant to Federal law and regulations as described earlier. Based on the information in the EA, the FONSI, the Project record, and consultation with BLM staff, I have decided to approve the Project with proposed mitigation.

All mitigation measures identified in the EA are adopted by this decision. These measures are detailed below in “Decision and Rationale”.

## **Alternatives Considered but not Selected**

No Action:

The No Action/No Project Alternative assumes that the proposed communication line would not be constructed. Under NEPA, this alternative does not require any federal approvals or action. Under this Alternative, the BLM would not approve the ROW grant for the construction and operation of the communication line. This alternative does not meet the BLM’s purpose and need.

## **Decision and Rationale**

Based on information in the EA and consultation with my staff, I have decided to approve the Project with the following proposed mitigation measures:

### Measures to protect the Biological Resources

A qualified biological monitor shall monitor on-site construction activities.

All contractors and personnel involved shall receive pre-construction training and briefing on the sensitivity of biological and cultural resources.

### Measures to Control Invasive/Non-Native Species

To prevent the introduction of new invasive weed plant species into the right-of-way the holder shall clean and inspect all vehicles and equipment prior to entering the project area.

### Measures to Protect Archaeological Resources

The holder of this authorization is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts.

All contractors and personnel involved shall receive pre-construction training and briefing on the sensitivity of biological and cultural resources.

In the event of the discovery of human remains on BLM lands, the holder or contractors shall notify BLM authorities immediately. BLM Law Enforcement may be reached at 909-383-5654, if unable to contact BLM dispatch at the number above call Emergency Services at 911.

To ensure that these avoidance and protection measures are carried out, archaeological monitoring be required during ground disturbing activities associated with this project.

### Measures to Protect Public Health and Safety

Except on county-maintained roads, vehicle speeds shall not exceed 20 miles per hour.

Lands authorized by this right-of-way shall be maintained in a sanitary condition at all times. Waste materials shall be removed and disposed of promptly at an appropriate authorized waste disposal site. All trash and food items shall be promptly contained within closed, raven proof containers which shall be removed from the project site in a timely manner to reduce the attractiveness of the area to ravens and other predators.

Construction activities shall be restricted to Monday thru Friday during the months from October to April. No construction activities shall take place during the week of Thanksgiving and the week of Christmas to New Years.

### **Consultation and Coordination**

Winterhaven Telephone Company dba TDS Telecom and BLM coordinated with Bureau of Reclamation, Imperial County Air Pollution Control Board, and Imperial Irrigation District to secure construction approvals and/or permits for this project.

Informal consultation was initiated with Ms. Jill McCormick of the Cocopah Tribe via telephone on February 29, 2012 and with Mr. John Bathke of the Quechan Tribe on April

23, 2012. Both Tribes requested and received copies of the archaeological report. Both Tribes request archaeological monitoring during construction.

The purpose of this consultation with the above tribes was to notify and solicit comments on the undertaking. Ms. McCormick, Cultural Resource Manager for the Cocopah Indian Tribe, asked for a copy of the Archaeological Survey Report when it is complete. A project update was given to Ms. McCormick on March 19, 2012 via telephone call. The Archaeological Survey Report was sent to the Cocopah Tribe on May 15, 2012. The Cocopah informed the BLM via email on May 29, 2012 that they had no comments on this project.

The Archaeological Survey Report was sent to the Quechan Tribe on May 15, 2012. On May 24, 2012, the Mr. John Bathke, Historic Preservation Officer for the Quechan Indian Tribe, asked for a copy of the EA when complete and would like to be notified when construction begins.

### **Public Involvement**

The EA was posted on the El Centro Field Office website from August 21, 2012 through September 6, 2012 for public review and no comments were received.

### **Consistency with Land Use Plans, Regulations and Policies**

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the following Land Use Plans:

- California Desert Conservation Area Plan (CDCA) of 1980,
- Imperial Sand Dunes Recreation Activity Management Plan (RAMP) of 1987.

The Proposed Action is consistent with the National Energy Policy Act of 2005 and the BLM's National Energy Policy Implementation Plan; the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

As explained in the EA, an EIS was not required for the Proposed Action, and therefore an EIS is not required to support this decision because the effects of the Project are the same as or less than the Proposed Action. Based on these considerations, and as explained in the FONSI, the construction of an underground copper telecommunication line in the footprint of the existing disturbance area has been adequately analyzed pursuant to NEPA and requires no further analysis.

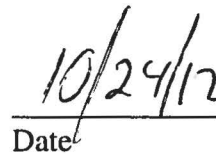
## **Administrative Remedies**

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in accordance with the regulations in 43 CFR Part 4, and the enclosed form 1842-1. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (El Centro Field Office) internet website.



Margaret L. Goodro, Field Manager  
El Centro Field Office

  
Date



# **United States Department of the Interior**

## **BUREAU OF LAND MANAGEMENT**

El Centro Field Office  
1661 So. 4<sup>th</sup> Street  
El Centro, CA 92243



### **Environmental Assessment DOI-BLM-CA-D070-2012-0041-EA**

**CACA-52770**

**Buttercup Ranger Station Communication Line  
Bureau of Land Management  
Southeastern Imperial County, Imperial Sand Dunes  
Recreation Area - South Ogilby, Buttercup, Grays Well.**

Bureau of Land Management  
1661 S. 4<sup>th</sup> Street  
El Centro, CA 92243  
(760) 337-4400

**August 2012**

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## **Chapter 1 Purpose and Need**

### **Background**

Winterhaven Telephone Company filed an application in 1991 for a right-of-way (ROW) to install, operate and maintain a telecommunication transmission line across public lands in southeastern Imperial County in the Imperial Sand Dunes Recreation Area. The telecommunication transmission line was approved April 16, 1991. The line crosses approximately 54,200 linear feet of public land. The existing ROW width is 10 feet, five feet from either side of the center line. The installation involved trenching construction methods except at canal or road crossings. The majority of the line was buried using a D-6/D-8 tractor pulling a cable placing plow. Trenching, placement of the line and backfill was completed in a one pass operation. There are two aerial crossings over the All American Canal. Road crossings were accomplished using a horizontal direction drill.

### **Purpose and Need**

Existing telecommunication lines to the Buttercup Ranger Station in Imperial Sand Dunes are currently at capacity and can no longer support requirements for telephone and internet services, which are necessary for the BLM to provide emergency and law enforcement response from the ranger station. The purpose of the proposed action is to upgrade the current telecommunication service to the Buttercup Ranger Station, including telephone and internet service, at the necessary capacity for the protection and safety of the visiting public. This project would provide the infrastructure to satisfy the needs of the BLM as well as accommodate future communication requirements or technologies. The BLM will decide if the telecommunication line should be approved or denied.

### **Conformance Summary**

This proposed action is subject to the California Desert Conservation Area Plan (CDCA) of 1980, and the Imperial Sand Dunes Recreation Activity Management Plan (RAMP) of 1987. These plans have been reviewed to determine if the proposed action conforms to the terms and conditions as required by 43 CFR 1610.5.

The proposed action is consistent with CDCA Plan elements. The involved lands are designated as Class M (South Ogilby Dunes) and Class I (Buttercup/Gray's Well), and all but 1 ½ ± mile of the proposed route is within designated Energy Production and Utility Corridor L. The Energy Production and Utility Corridors Element of the CDCA Plan (Chapter 3) identifies utility corridors for coaxial cables for interstate communications. The proposed communication line is only an extension of a local communication line, so it is not required to be located within a corridor. Therefore, the proposed action would be consistent with the CDCA Plan and would not require a Plan Amendment or change in land use designation. The proposed action is also consistent with the Imperial Sand Dunes RAMP which calls for facility development of the south dunes area, including the installation of a public telephone.

Winterhaven Telephone Company has secured construction approvals and/or permits from Imperial County and Imperial Irrigation District for this project.

### **Scoping and Issues**

Internal scoping resulted in issues raised for the health and safety of our visiting public and the need for telecommunications in the Buttercup Ranger Station. The Imperial Sand Dunes Recreation Area (ISDRA) receives over one million visitors per year. Most visitors are drawn to the site for the purposes of off highway vehicle (OHV) recreation. OHV recreation is a hazardous sport and the BLM supports a staff of up to 150 Law Enforcement Rangers and Emergency Medical Technicians (EMTs) during the busy winter holidays. Buttercup Ranger Station is one of two command posts and serves as the main facility for all southern ISDRA activities. The BLM staff responds to between 400-750 emergency medical responses and thousands of law enforcement incidents per year. A phone line and remote computer access are needed to retrieve and report emergency information via telephone calls and facsimile. Phone and facsimile lines are also needed to communicate "Personally Identifiable Information" which cannot be broadcast over radio frequencies and must be protected.

Employee safety is another issue that can be addressed through the installation of a phone line. In the past, employee safety has been compromised due to a lack of phone service. For example, last year a BLM Ranger on patrol was trying to advise the Buttercup Ranger Station Staff that a dangerous individual was en route to the station. Notification via phone line would have been the fastest and most reliable method of communication but was not available. The contractor in the station did not have a BLM radio, was not aware of the subject, and did not lock the doors in time to keep the subject out. A working and reliable phone system would have helped mitigate this employee safety issue.

## **Chapter 2 Proposed Action and Alternatives**

### **No Action**

Under the No Action alternative, the necessary telecommunications system upgrade would not be constructed.

### **Proposed Action**

BLM proposes to install an underground copper telecommunication line in the footprint of the existing disturbance area. The proposed telecommunication line ROW initiates approximately 0.41 mile east of Ogilby Road, then runs westerly, parallel to the south side of eastbound Interstate-8 (I-8), for approximately 4.2 (22,187 feet in length) miles terminating at the existing BLM Buttercup Ranger Station facility.

The design of this project proposes to place a new copper telecommunication line and a 1.25" high density polyethylene (HDPE) duct for potential future use parallel to the existing facilities within the existing alignment provided by CACA-026357. A temporary 10-foot construction easement adjoining the southerly side of the existing corridor will be required for equipment access during construction. This project will require reconstruction of a 636' aerial insert over the All American Canal. The existing aerial insert will be removed after the new aerial insert is complete and in service. The existing underground line will remain in place for limited use after the new underground line is installed. Any alignment changes within the ROW will be within the permanent ROW, no changes shall be made that would occur outside of the ROW boundary. These facilities have a design life of greater than 25 years.

This project will consist of approximately 4.2 linear miles; 10 feet in width and the use of an additional 10 feet for temporary construction area. The right-of-way is approximately 22,187 feet in length, for a total of 10 acres (5 acres are within the existing corridor and 5 acres of temporary construction area ) across BLM lands.

There are vehicle barriers placed by Caltrans along portions of the existing corridor. These will be temporarily moved out of the corridor to accommodate construction. Permanent access to the ROW is needed for maintenance purposes only. There are existing roads and trails that will be utilized for support vehicle travel to and from the ROW. Once constructed, maintenance will be minimal, typically only if facilities are physically damaged.

## Chapter 3 Affected Environment

The majority of the project area is located within the Algodones Dunes, also known as Imperial Sand Dunes Recreation Area (ISDRA). This sand dune ecosystem is located in eastern Imperial Valley, California. Approximately 40 miles long, over 5 miles wide, and up to 300 feet high, Imperial Sand Dunes are the largest sand dunes in the southwest.

The lands within the ISDRA are divided into management areas. The existing ROW which is also the proposed project site lies within the Buttercup Management Area. The Buttercup area comprises 7,842 acres of which 432 acres are designated for camping. A high use recreational area, the estimated desired recreational carrying capacity was determined to be 5,476 vehicles per day and 19,165 campers per day. Located immediately off the interstate, it is managed as a high, intensive visitation setting with primitive camping and improvements such as toilets and a ranger station.

In addition to recreational off-highway vehicle uses, the Buttercup area is impacted by the All American Canal and Interstate-8, as well as paved and dirt surface roads, electrical transmission corridors and the existing ROW. The proposed 10 foot wide ROW is bounded by the Interstate-8 fence and a dirt access road used by Border Patrol. At times the ROW alignment is in the footprint of the dirt access road.

### Vegetation

Four special status species also occur near the proposed project area. Peirson's Milkvetch (*Astragalus magdalenae* var. *peirsonii*) is currently listed as Threatened under the Endangered Species Act. Algodones Dunes Sunflower (*Helianthus niveus* ssp. *tephrodes*) is listed as State Endangered. Giant Spanish Needle (*Palafoxia arida* var. *arida*) is listed as a Bureau of Land Management Sensitive Species. Wiggins' Croton (*Croton wigginsii*) is listed as State Rare. Five Giant Spanish Needle were observed in the project area.

No state or federal listed noxious weeds were detected during plant surveys. Two invasive plant species Sahara Mustard (*Brassica tournefortii*) and Russian Thistle (*Salsola tragus*) were detected in the project

### Wildlife

For analysis, the alteration of wildlife habitat is limited to the proposed ROW that is bounded closely by the I-8 fence to the north and dirt access roads to the south. The ROW alignment is in part, the footprint of the dirt access road. The existing condition of habitat in this previously disturbed utility corridor is sparse, hearty plants that are more tolerant of regular disturbance. For wildlife, the analysis of effects from the project including disturbance from noise or human presence to wildlife would include an area approximately 250 feet from each Right-of-Way boundary and include construction activities during replacement of an aerial crossing and structures.

The wildlife species commonly using this disturbed corridor are kit fox, birds, reptiles, invertebrates and small mammal populations. Colorado Desert fringe-toed lizards are commonly seen in the ISDRA. Surveys for wildlife, wildlife sign and burrows were conducted by biologists

performing visual surveys in March and July, 2012. No wildlife or sign with the exception of common dunes lizard species or quail species were observed.

The BLM sensitive species that could inhabit the vicinity of the ROW are the flat-tailed horned lizard (*Phrynosoma mcallii*) and Colorado Desert fringe-toed lizard (*Uma notata*). Species listed under the Endangered Species Act include the desert tortoise (*Gopherus agassizii*) and Yuma clapper rail (*Rallus longirostris spp. yumanensis*).

The desert tortoise has not been observed in the ISDRA south of I-8, since BLM has managed the area. Although desert tortoise has been observed on the eastern edge of the dunes north of I-8, the dunes are considered a natural barrier for many species including the desert tortoise. In addition, there are major manmade barriers to tortoise occupation of this habitat and because of shifting sands, little resources are available. The All American Canal to the east and Interstate-8 to the north would impede movement and migration.

Additionally, the USFWS Biological Opinion on the CDCA Plan Amendment for the ISDRA Recreational Management Plan (RAMP), dated January 25, 2005, states that the Buttercup area is outside desert tortoise habitat and that only the northeastern ISDRA may have low population levels of tortoises with infrequent reports of observations. The closest known populations of Federally threatened desert tortoise are in the creosote scrub habitat east of the All American Canal with regular observations near Pilot Knob. Literature review and interviews with dunes personnel were conducted.

Most large wildlife species seek the protection of the heavier wash vegetation along the dune periphery, though coyote and mule deer may be seen crossing the dunes. Rabbits, ground squirrels, sidewinders, and a variety of birds, lizards and insects are seen throughout the dunes. Potential habitat for the California black rail (*Laterallus jamaicensis spp. coturniculus*), a Federal candidate species, and the Yuma clapper rail, a Federal endangered species, may occur along the All American Canal. However, is not known to be present near the proposed ROW.

## **Cultural Resources**

A record search and literature review was conducted and the following survey reports and previously recorded sites were identified within ½ mile of the area of potential effect (APE). There were six previous reports and 13 previously recorded sites identified in the record search.

A Class III pedestrian survey of the APE was performed on February 27, 2012 by the BLM and identified two sites and five isolated occurrences (IO) in the survey area which encompasses the APE. The survey was conducted using 15 meter transects and covered 23 acres along the ROW. The survey boundary was determined by using the existing fiber optic line markers. The survey revealed that there were seven cultural resources within the survey area for the communication line construction. BC-I-1 is one piece of metal banding from the Plank Road and a rusty beverage can. BC-I-3 is a historic rusty external friction can lid. The markings on the lid were unreadable. BC-I-4 is a triangular granitic pestle, 3 cm wide at the top and 5 cm long. Both the top and end exhibit polishing. BC-I-6 is one short piece, approximately 24" long, of metal banding from the Plank Road. BC-I-7 is one small piece of Plank Road metal band. The first site is site BC-S-1, previously identified as IID-3 and later incorporated into CA-IMP-4764H by ASM (Schaefer 2006), is a scatter of six pieces of metal banding from the Plank Road. No wood

from the plank road was observed during the survey and it is assumed the banding is discarded remnants from Interstate 8 construction (Schaefer 2006). The second site, site BC-S-2, is IMP-7130H, the All American Canal. The survey area contains a large amount of non-historic modern trash, including metal, glass, aluminum cans, plastic, clothing, OHV parts, etc.

Site IMP-4764H (BC-S-1) consists of remnants of metal banding used to construct the Plank Road. The site IMP-4764H (BC-S-1) is a small remnant of the unique “floating” wooden road that ran along the southern end of the Imperial Sand Dunes. The “old plank road” as it has been called was constructed in 1915, in an effort to create a more direct route from Yuma, AZ to San Diego, CA, and was in use until 1926. These metal bands [IMP-4764H (BC-S-1)] were likely piled up at this location during nearby road construction and lack integrity. The IO’s consist of four historic and one possible prehistoric resource and will not be affected by the action. The second site, site IMP-7130H (BC-S-2) is the All American Canal which crosses the APE about 1.5 miles east of the Buttercup Ranger Station. This site will not be affected by the undertaking.

The survey area centered along the existing ROW along the south side of the east bound lanes of Interstate 8 from north of Ogilby Road south to the Buttercup Ranger Station.

During scoping, the concerns raised were possible impacts to cultural resources within the ROW by the construction activities. The survey identified that the site IMP-4764H (BC-S-1) is the only site that could be affected by the undertaking depending on exactly where the line is buried, however, since the site lacks integrity the banding could be moved if they are in the way of the excavating equipment and then replaced post construction.

## **Visual Resources Management**

The process is described in detail in BLM Manual H-8410-1—*Visual Resource Inventory* (BLM 1984b). Based on three factors—scenic quality, sensitivity, and visibility/distance zones—all other BLM-administered lands are assigned one of four Visual Resource Inventory (VRI) Classes (Table 3.19-1). These VRI classes represent the relative value of visual resources, Classes I and II being the most valued, Class III representing a moderate value, and Class IV being of relatively low scenic value.

The VRI Classes serve as the basis for considering visual values in the BLM’s planning process.

The VRM system is implemented through BLM’s resource management planning and the management framework processes, which determine and assign the appropriate management classes. VRM Class assignments do not necessarily correspond to the VRI Class assignments, but the BLM considers the VRI values in the context of other management needs and decisions. In cases where VRM Classes have not yet been assigned by management plans, Interim VRM Classes are assigned on a project-specific basis through the project/permit approval processes.

The project area has been inventoried in September of 2010 and VRI Class II and has been identified as interim Class II VRM base on the VRI. The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

## **Chapter 4 Environmental Impacts**

### **No Action Alternative**

No effects to Vegetation, Biological, Cultural, or Visual resources would result from the No Action Alternative. However, BLM would not be able to provide necessary emergency and law enforcement response from the Buttercup Ranger station to the visiting public under this alternative. The current lack of telephone communications had resulted in slower response times to medical and safety incidences due to intermittent cell phone service. In addition, the visiting public has no direct line to BLM medical and law enforcement personnel with the absence of telecommunication systems at the Buttercup Ranger Station. Under the No Action alternative, the health and safety concerns for our visiting public are prolific.

### **Proposed Action Alternative**

#### **Special status species**

One special status species was observed in the ROW. Giant Spanish Needle (*Palafoxia arida* var. *arida*). Implementation of the project will occur before spring germination. No live plants will be affected. Some seeds could be buried deeper than their capability of germination during the backfilling of the trench but this small impact to the larger seed bank shouldn't affect the ability of the species to persist in the area.

#### **Invasive species**

To prevent the introduction of new invasive weed plant species into the project all vehicles and equipment will be cleaned and inspected prior to entering the project area. To prevent the two known invasive plant species Sahara mustard (*Brassica tournefortii*) and Russian thistle (*Salsola tragus*) from leaving the project site all vehicles and equipment that go off road will be cleaned and inspected prior to leaving the project area. No new infestations of invasive plant species are anticipated. Existing infestations will remain at current levels.

#### **General Vegetation**

Common vegetation will be crushed and removed by heavy equipment. Since the first line was completed in 1991 the common vegetation has revegetated naturally. The project will occur before the spring of 2013 therefore live annual species will not be affected. The seed bank will be affected directly by the trenching. Some seeds could be buried deeper than their capability of germination during the backfilling of the trench. Dispersal of seeds from vegetation adjacent to the project area is adequate to contribute to natural revegetation of the project area.

#### **Wildlife**

No project related effects on desert tortoise are anticipated because the Buttercup area is outside desert tortoise habitat. Although highly unlikely because the Buttercup area is not considered to be in the tortoise's current range of distribution, desert tortoise could be injured if one ventured into the project area unobserved. To further reduce the likelihood of effects to wildlife, a biological monitor will be required to be present during project related construction activities.

Due to the Colorado Desert fringe-toed lizard's speed and behavior, individuals often escape harm. They may however seek shelter in vegetation or dig into the sand on occasion, so if unobserved, an individual could be crushed during construction or when equipment is moved on the site. Although a few project-related lizard mortalities could occur, it would not raise the level of mortality above normal sustainable mortality levels for this population. BLM mitigation measures decrease the likelihood of incidental mortalities. Therefore, no project related impacts to the species population are anticipated. Flat-tailed horned lizards are uncommon inhabitants of the ISDRA and mitigation measures for monitors and vehicular speed limits will decrease the likelihood of incidental mortalities. No direct impacts are expected to occur for Yuma clapper rail and impacts by disturbance are unlikely since appropriate habitat is not present in the canal near the existing overhead crossing.

Proposed impacts to wildlife habitat are limited to 5 acres of temporary disturbance and approximately 5 acres of permanent impacts consisting of 0.5 acres of ground disturbance.

### **Cultural Resources**

Proposed Action Alternative: All IO's will be avoided. The site IMP-4764H (BC-S-1) is debris piled up from past road construction and lacks integrity. Site IMP-7130H (BC-S-2) the All American Canal will be avoided and not affected by the Proposed Action Alternative. The pole replacements will take place on the upper banks, approximately 30 feet above the canal. The aerial insert will utilize these poles to cross over the canal thereby avoiding impacts to the canal.

### **Visual Resources**

Impacts are temporary in this type of project as they occur during construction and during any maintenance period.



## **Chapter 5 Consultation and Public Participation**

### **Tribes, Individuals, Organizations, or Agencies Consulted**

Informal consultation was initiated with the Cocopah Tribe via telephone on February 29, 2012 and with the Quechan Tribe on April 23, 2012. Both Tribes requested and received copies of the archaeological report. Both Tribes request archaeological monitoring during construction.

The purpose of this consultation with the above tribes was to notify and solicit comments on the undertaking. The Cocopah Indian Tribe, asked for a copy of the Archaeological Survey Report when it is complete. A project update was given to the Cocopah Tribe on March 19, 2012 via telephone call. The Archaeological Survey Report was sent to the Cocopah Tribe on May 15, 2012. The Cocopah informed the BLM via email on May 29, 2012 that they had no comments on this project.

The Archaeological Survey Report was sent to the Quechan Tribe on May 15, 2012. On May 24, 2012. The Quechan Indian Tribe asked for a copy of the EA when complete and would like to be notified when construction begins.

No changes to this document or the undertaking were made due to the consultations with the Cocopah and Quechan Indian Tribes.

### **List of Preparers**

Daniel Steward, Resource Branch Chief BLM ECFO

Sharon Tyson, Wildlife Biologist BLM ECFO

Jeffrey Sahagun, Staff Archaeologist BLM ECFO

Andrew Trouette, Natural Resource Specialist BLM ECFO

John Johnson, Wilderness Coordinator BLM ECFO

Neil Hamada, Dunes Manager BLM ECFO